



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

April 12, 2017

Ms. Shelly Lam
U.S. EPA, Region V
2525 North Shadeland Avenue
Indianapolis, IN 46219

Dear Ms. Lam:

Re: Applicable or Relevant and
Appropriate Requirements
Keystone Corridor Groundwater
Contamination Site
Time-Critical Removal Action
Indianapolis, IN

In accordance with your request in a letter dated April 7, 2017, Indiana Department of Environmental Management (IDEM) staff have determined the State of Indiana's Applicable or Relevant and Appropriate Requirements (ARARs) for the Keystone Corridor Groundwater Contamination Site in Indianapolis, Marion County, Indiana, based on the following identified time-critical removal action activities that the U.S. Environmental Protection Agency (U.S. EPA) has planned:

- Install vapor mitigation systems
- Conduct post-installation sampling to demonstrate that performance standards are achieved

IDEM staff recognize this list only includes potential time-critical removal actions, and that the site may require one or a combination of several actions to be protective of human health and the environment. The following is a list of ARARs identified by IDEM as pertinent to the aforementioned time-critical removal activities proposed by U.S. EPA:

Action Specific:

1. If this action will result in leaving contamination in place such that unrestricted land use is not permitted (i.e., residential land use remediation objectives are not achieved), an Environmental Restrictive Covenant (ERC) should be recorded for the property per Indiana Code (IC) 13-25-4-24.



To Be Considered (TBC):

1. The State of Indiana does not have promulgated rules or regulations that apply to vapor intrusion. However, the IDEM Remediation Closure Guide (RCG) is a Non-rule Policy Document (NPD) that provides guidance for the investigation, remedy selection and closure of contaminated sites. As a non-rule policy, the IDEM RCG does not have the effect of law. If a conflict exists between the RCG and state or federal rules and statutes, the rules and statutes will prevail. The IDEM RCG may provide helpful information and guidance for the nature and extent of investigation. The IDEM RCG is available at:
http://www.in.gov/idem/cleanups/files/remediation_closure_guide.pdf

The following is a list of ARARs identified by IDEM if the removal actions include:

- a) conducting a vapor intrusion assessment at nearby properties;
- b) excavation; and
- c) consolidation and packaging of hazardous substances, pollutants, wastes, or contaminants for transportation and off-site disposal.

Action Specific:

3. Pursuant to 326 Indiana Administrative Code (IAC) 6-4-2(4), visible fugitive dust must not cross an adjacent property line.
4. Pursuant to 326 IAC 6-4-4, any vehicle driven on any public right of way must not allow its contents to escape and form fugitive dust.
5. 327 IAC 2-11-1 through 327 IAC 2-11-9 maintains and protects the quality of Indiana's groundwater. For example, no person shall cause the groundwater in a drinking water supply well (327 IAC 2-11-2(e)) or nondrinking water supply well (327 IAC 2-11-2(f)) to have contaminant concentration that renders the well unusable for its current use.
6. Pursuant to 327 IAC 5-2-2, any discharge of pollutants into a water of the state as a point source discharge during the removal action would require a National Pollutant Discharge Elimination System (NPDES) permit. However, this is an U.S. EPA Removal Action, and pursuant to 327 IAC 5-2-4(5), discharges of pollutants in compliance with the instruction of an U.S. EPA on-scene coordinator will not require a NPDES permit. The substantive requirements of a permit, however, will still need to be met.

Chemical Specific:

7. 329 IAC 3.1 regulates the management of hazardous wastes. Indiana rule 329 IAC 3.1-1-1 adopts Resource Conservation and Recovery Act (RCRA) regulations of 40 CFR 260 through 40 CFR 270. More specifically:

- 40 CFR 262.11 requires a proper hazardous waste determination must be made on all wastes generated from removal actions including substances in containers, drums, pits, waste piles and tanks along with any decontamination washes or rinsates.
- 40 CFR 262.12 requires a generator not treat, store, dispose of, or offer for transportation, hazardous waste without receiving an U.S. EPA identification number. A generator must not offer hazardous waste to transporters or treatment, storage, or disposal facilities that have not received an U.S. EPA identification number.
- 40 CFR 261, Subpart B requires that all hazardous waste must be properly packaged, with labels, markings and placards prior to transport (see also 40 CFR 262, Subpart C; 40 CFR 262.30 - packaging; 40 CFR 262.31 - labeling; 40 CFR 262.32 - marking; and 40 CFR 263.33 - placarding).
- 40 CFR 261, Subpart B requires hazardous waste must be manifested as such for transport to a permitted treatment, storage, or disposal facility (TSDF) in accordance with 40 CFR 262, Subpart B.
- For all hazardous waste related equipment, structures and pads, remove or decontaminate all hazardous waste residues, contaminated containment components, contaminated soils, and structures and equipment contaminated with waste and manage them as hazardous waste unless 20 CFR 261.3(d) applies.
- 40 CFR 262.34 requires hazardous waste containers shall not be accumulated on-site for greater than ninety (90) days without a hazardous waste permit for storage.
- Excavated contaminated soils must not be placed back on the ground so as to create a waste pile as defined in 40 CFR 264, Subpart L. Covered roll-offs may be used.
- 40 CFR 265.17 includes general requirements for ignitable, reactive, or incompatible wastes.
- Hazardous waste in containers shall be managed in accordance with the standards of 40 CFR 265, Subpart I.
- 40 CFR 268 identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

8. 329 IAC 3.1 establishes standards for identifying hazardous waste as well as standards for hazardous waste management procedures for generators, transporters, and owner and operators of hazardous waste facilities.
9. 329 IAC 10 regulates the management of solid wastes.
 - 329 IAC 10-7.2-1 requires all wastes to undergo a waste determination, and if found to be nonhazardous, be disposed of in a permitted solid waste disposal facility.

Thank you for the opportunity to provide the State's ARARs. If you have any questions concerning these comments, please contact me at (317) 234-7179.

Sincerely,



Douglas M. Petroff
Federal Programs Section
Office of Land Quality

DMP:tr
cc: Rex Osborn, IDEM